REMARKS

In the Office Action[1] mailed June 3, 2005, the Examiner rejected claims 26-30 under 35 U.S.C. §101 as directed to non-statutory subject matter; and rejected claims 1-55 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. US 2003/0145104 A1 to Boden et al. ("Boden").

By this Amendment, Applicants amend claim 26 to address the Examiner's rejection under 35 U.S.C. §101.

Claims 1-55 are currently pending.

The Examiner rejected claim 26-30 under 35 U.S.C. §101 as directed to non-statutory subject matter. Applicants traverse this rejection.

Amended claim 26 defines a computer-implemented system. Claim 26 recites a combination of elements including, for example, means for detecting an addressing conflict between a first address of a first processor on a first network and a second address of a second processor on a second network; means for receiving from the first processor one or more packets forming a tunnel; means for removing from the one or more packets information about the tunnel, the removed tunnel information having a virtual address; means for determining that the one or more packets are associated with the detected addressing conflict based on the removed virtual address; means for determining a translated address based on the removed virtual address; and means for

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

forwarding the one or more packets based on the translated address. Claims 27-30

depend from independent claim 26.

Applicants submit that the Examiner's reasons for rejection do not have any

basis under 35 U.S.C. §101, which states the following:

> Whoever invents or discovers any new and useful process,
> machine, manufacture, or composition of matter, or any new
> and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this
> title.

35 U.S.C §101.

Moreover, the Examiner's reasons do not have any basis in case law. See, e.g.,

In re Alappat, 31 USPQ 2d 1545, 1558 (Fed. Cir. 1994); State Street Bank & Trust Co.

v. Signature Financial Group. Inc., 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998); AT&T

Corp. V. Excel Comm. Inc., 50 USPQ2d 1447, 1452 (Fed. Cir. 1999). Nonetheless, to

expedite prosecution, Applicants amend claim 26 in response to the Examiner's

rejection. Therefore, the Examiner should withdraw the rejection of clam 26 and claims

27-30, at least by reason of their dependency from independent claim 26.

The Examiner rejected claims 1-55 under 35 U.S.C. § 102(e) as anticipated by

Boden. Applicants traverse this rejection.

Claim 1 defines a method for resolving an addressing conflict between a first

processor in a first network and a second processor in a second network. Amended

claim 1 recites a combination of elements including, for example, "determining that the

one or more packets are associated with the detected addressing conflict based on the

removed virtual address." The Examiner appears to suggest that Boden at paragraph

62 discloses this step. Office Action at page 3.

However, a careful reading of <u>Boden</u> at paragraph 62 reveals that it is silent with respect to the claim 1 step of "determining that the one or more packets are associated with the detected addressing conflict based on the removed virtual address." Indeed, to determine address conflicts, <u>Boden</u> relies on a security association (SA) rather than a virtual IP address. Specifically, <u>Boden</u> states the following:

> [0051] e4) In step 26, VPN NAT overrides filtering; after return from VPN NAT, the function to determine which specific IPsec Security Association (SA) is changed—instead of using the VPN connection from the filter (as usual), it now checks to see if VPN NAT returns a different VPN connection name. If so, the SA for that VPN connection is used to send the packet.

> <u>Boden</u>, paragraph 51.

For the reasons given above, <u>Boden</u> fails to disclose at least the claim 1 step of "determining that the one or more packets are associated with the detected addressing conflict based on the removed virtual address." Therefore, independent claim 1 is allowable over <u>Boden</u>. Claims 2-14 and 36-44 depend, either directly or indirectly from independent claim 1. At least by reason of their dependency from allowable claim 1, claims 2-14 and 36-44 are allowable over <u>Boden</u>. Therefore, the rejection of claims 1-14 and 36-44 under 35 U.S.C. §102(e) should thus be withdrawn.

Claim 15 recites a combination of elements including, inter alia, "a memory including code that ... determines that the one or more packets are associated with the detected addressing conflict based on the removed virtual address." For at least the reasons given above with respect to claim 1, <u>Boden</u> fails to disclose at least this claimed feature. Independent claim 15 is thus allowable over <u>Boden</u>. Claims 16-25 and 45-53 depend, either directly or indirectly from independent claim 15. At least by reason of

their dependency from allowable claim 15, claims 16-25 and 45-53 are also allowable over Boden. Therefore, the rejection of claims 15-25 and 45-53 under 35 U.S.C. §102(e) should thus be withdrawn.

Claim 26 recites a combination of elements including, inter alia, "means for determining that the one or more packets are associated with the detected addressing conflict based on the removed virtual address." For at least the reasons given above with respect to claim 1, Boden fails to disclose at least this claimed feature. Therefore, independent claim 26 and claims 27-30, at least by reason of their dependency from independent claim 26, are allowable over Boden, and the rejection of claims 26-30 under 35 U.S.C. §102(e) should be withdrawn.

Claim 31 recites a combination of elements including, inter alia, "a processor other than the first and second processors that ... resolves the conflict based on a virtual address of a tunnel established between the other processor and the first network." For at least the reasons given above with respect to claim 1, Boden fails to disclose at least this claimed feature. Independent claim 31 is thus allowable over Boden. Claims 32-35 and 54-55 depend from independent claim 31. At least by reason of their dependency from allowable claim 31, claims 32-35 and 54-55 are also allowable over Boden. Therefore, the rejection of claims 31-35 and 54-55 under 35 U.S.C. §102(e) should thus be withdrawn.

Applicants request reconsideration of this application and the timely allowance of pending claims 1-55.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: _____
Pedro F. Suarez
Reg. No. 45,895